

# Open Shop Is Sustained By Highest Court

## Attempt of Miners' Union to Organize Workers Called Unlawful

### Cites Conduct in The Hitchman Case

#### Gompers Declares Decision Is "Farreaching and Unwarranted"

WASHINGTON, Dec. 10.—Decisions dealing in general terms the rights of both organized labor and the employer were rendered today by the Supreme Court. While the right of workmen to organize for lawful purposes was affirmed, the court held that employers legally may operate their plants as open shops and prevent conspiracies to bring their non-union employees into labor organizations.

The opinions were rendered in the cases of the Hitchman Coal and Coke Company and the Eagle Glass Manufacturing Company, of West Virginia, the court deciding that both were entitled to operate their plants as open shops, and upholding injunctions, issued by Judge A. G. Dayton, restraining union officials from attempting to organize their employees.

Lower court decrees holding that the United Mine Workers of America and the American Flint Glass Workers' Union were illegal organizations, and that under the Sherman law they were secret conspiracies to restrain trade, were ignored by the Supreme Court's opinion.

Call Conduct Malicious

In the Hitchman case the majority of the court held that the officials of the miners' union "deliberately and advisedly selected the method of enforcing their union membership which would inflict injury upon the company and its loyal employees, and declared that the 'conduct in so doing was unlawful and malicious.' The court also declared that 'it is erroneous to assume that all measures which may be resorted to in the effort to unionize a mine are lawful if they are peaceful and non-violent.' It is, if it is peaceful, violence or coercion through fear of physical force."

It added that "the purpose of the defendants to bring about a strike at the mine, in order to compel plaintiff through fear of financial loss to the unionization of the mine as the lesser evil, was an unlawful purpose."

The court divided in the Hitchman case 5 to 4. Justices Brandeis, Holmes and Clegg dissented. No formal dissenting opinion was rendered, except a brief statement made by Justice Brandeis, who said he believed in the right to do the things to which the court members of the court objected.

Contempt proceedings instituted last month by the Hitchman Coal and Coke Company against President Frank Hayes of the United Mine Workers of America, which was given judgment by the Supreme Court today, granted the defendant sixty days in which to present their case.

Criticism From Gompers

Samuel Gompers, president of the American Federation of Labor, in a statement to-night, characterized the decision as "farreaching and unwarranted."

"To hold that the United Mine Workers of America is an unlawful organization or that it is a conspiracy is to hark back to the days when employers were monarchs and all their employees were servants or slaves. The miners' union undertook by perfectly lawful means and means to reach the unorganized and underpaid miners of West Virginia, so that they might be treated as men and not as slaves. The union has been men with others of equal standing and character are stigmatized by the court as conspirators."

"President Wilson has justly declared that society has given recognition that the eight-hour work day is justified. It is to bring light and hope and patriotism into the life of the workers for which we are organized and are organizing and federating the toilers of America, and we shall go on to reach our goal for a better concept of not only political but industrial democracy."

# Sixth Man Slain With Shotgun in Brooklyn

## Policemen Near Scene of Killing in Eastern District, but Murderer Escapes

The police of the Seventh Branch Detective Bureau, Eastern District, Brooklyn, have one more shotgun murder on their hands to solve.

Early yesterday morning Frank Fenito, proprietor of a pool parlor at Metropolitan Avenue and Havermeier Street, was shot and instantly killed at the corner of Reeling and North Fifth Street. Both loads from a double-barreled shotgun entered his head. The murderer escaped.

This is the sixth murder to be done with a shotgun in the Eastern District in the last six weeks, and the third shooting with that weapon at that very corner in the last three weeks. Two weeks ago two men were shot to death on the corner and a few days before that another man had his arm blown off.

The police believe that the murders are the work of a gang. Two policemen were so close to the murdered man yesterday morning that they saw his assailant disengage himself from the crowd and flee. The police are making a search of the dark alleys and yards.

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# Vast Counterfeit Scheme Revealed By Arrest Here

## Lawyer Held Following Discovery of Money Mill in Boarding House

### Two Others Captured

#### \$1,000,000 in French Banknotes Brought In, Secret Service Agents Declare

One of the most elaborate and far-reaching schemes of counterfeiting, extending its operations over this country, South America and Europe, was revealed with the arrest here yesterday of Eugene L. Parodi, an attorney, of No. 251 Broadway.

Three arrests have been made thus far by United States Secret Service men under Chief William J. Flynn and Captain John J. Henry of the New York office, and an entire plant, comprising plates, engravings, plans, tools and \$125,000 in counterfeit French banknotes, was discovered in a modest New York boarding house and confiscated. Captain Henry said that \$65,000 of the worthless paper had been passed here in a few months.

Held in \$5,000 Bail

Parodi was arrested yesterday on a charge of acting in a conspiracy to obstruct justice, and was released under \$5,000 bail for examination on December 17. He fell into the clutches of the authorities because, it is charged, he advised another of the prisoners, Marcus Gonzales, alias Louis Eduardo de Shelly, to flee the country while out on bail, under an indictment charging the passing of bogus paper money.

Gonzales was arrested at Havana, Cuba, and is now awaiting extradition. The third prisoner, Jean Duprey, alias Leon Gonzales, was taken into custody by the Department of Justice in New York. He is charged with "participating in counterfeiting."

When the boarding house, whose location the officials would not disclose, was raided, in addition to the counterfeiting outfit was a written plan, minute in detail, for escaping from the Tombs. Not even the saws necessary to file through the cell bars were forgotten.

Made Safe Conduct Passes

According to Captain Henry, there was also found a false safe and a safe conduct passes, purporting to be issued by the French government. Duprey told the authorities he was a deserter from the French army, and that he had come to this country in effect to escape from the French army.

False 1,000-franc notes on the Bank of France made their appearance in this city in August, and were directed among banks in New York dealing in foreign exchange. After two weeks Secret Service operatives Rubeano and Manasse detected a man, who gave the name of Gonzales, passing \$50,000 worth of this spurious money.

Trapped, Gonzales leaped from a window of a Wall Street banking firm, and was captured only when a bullet striking him in the ankle, brought him to the ground. He was released on bail and indicted by the Federal grand jury. Parodi acting as his counsel, Gonzales disappeared shortly after, and could not be found when called to appear.

Money-Mill Discovered

Duprey's arrest, while accompanied by Parodi, led to the discovery of the money-mill, which was contained in three suit cases, ready for instant transportation. Captain Henry said the plant had been brought here last April from San Sebastian, Spain, and at that time \$1,000,000 in spurious French banknotes had been brought with it. Gonzales, according to Captain Henry, is a half-brother of the chancellor of the Guatemalan Embassy in Paris. The prisoner was born in Venezuela, but removed to Paris at the age of four.

# Work on Fabricated Ships Starts Monday

## Chairman Hurley of the Shipping Board to Drive the First Rivet

### (Staff Correspondence)

WASHINGTON, Dec. 10.—Chairman Hurley of the Shipping Board will drive the first rivet in the first fabricated ship to be built in the United States, next Monday. Arrangements for the visit of Mr. Hurley and members of the Shipping Board to the Submarine Boat Company's yard at Newark, were made to-day by Henry R. Sutphin, of the Submarine Boat Company.

The Submarine Boat Company's Newark yard has been 90 per cent. completed in seventy-six days, according to a report to the Emergency Fleet Corporation made by Mr. Sutphin. This includes the construction of ten miles of track. The keels of three vessels will be laid at once, it was stated.

The Submarine Boat Company now employs 3,000 men, and expects to eventually add 12,000 men to its rolls. It is getting its fabricated materials from forty-nine different plants. It has contracts with the Emergency Fleet Corporation for the construction of 150 steel vessels of 5,000 tons each.

# Witness Assailed In Midst of Trial By Miss Varney

## Defendant in Keyes Murder Case Cries Her Life Is Being Sworn Away

### Judge Orders Recess

#### Providence Dealer Said He Believed He Sold Revolver to Woman

DEBHAM, Mass., Dec. 10.—Miss Harriet A. Varney, on trial charged with the murder of Mrs. Pauline A. Keyes, of Brooklyn, sprang from her seat to-day to deny the testimony of Clarke Goodchild, a Providence second hand dealer, who had said he believed the defendant to be the woman who bought a revolver in his store on March 15 of this year.

"I never did such a thing," she cried. "I never was in that man's store. He is swearing my life away."

Miss Varney's counsel hurried to her side and tried to quiet her, but she seemed thoroughly unnerved, in marked contrast to the calm that has characterized her attitude heretofore.

Judge Declares Recess

Judge O'Connell declared a recess, and Miss Varney's sister, Mrs. Arthur Morrison, of West Union, went to her side. Miss Varney kept repeating over and over again: "How can that man say those things about me? How can he swear my life away?"

After a time she was quieted and the session of the court was resumed.

Goodchild was cross-examined relentlessly by the defense. He admitted that he had held long conferences with Brooklyn and Providence police officials in connection with the case. He was unable to identify positively the revolver that was found near the body of Mrs. Keyes on June 15 as the one he sold to a woman in Providence March 15.

"You couldn't identify the defendant before, and you can't now?" he was asked by counsel for the defense.

"I've always said I could not positively identify her as the woman who bought the revolver," Goodchild replied.

On redirect examination Goodchild was asked:

"Is the woman at the bar the woman who bought the revolver March 15?"

He replied, "I think she is."

"Didn't you say you could not positively identify her as the woman?"

"Yes, sir," he replied.

Magrath Doubts Suicide

Dr. George B. Magrath, Medical Examiner of Suffolk County, who was called on July 1 by the Brooklyn authorities to investigate the death of Mrs. Keyes, followed Goodchild on the witness stand. Dr. Magrath said he had investigated 9,318 deaths by violent causes. He gave it as his opinion that Mrs. Keyes did not commit suicide.

The witness was asked a hypothetical question that occupied nine minutes. The reply indicated that Mrs. Keyes died two hours before her body was found. On cross-examination the witness testified that he had prepared the hypothetical question himself.

Carl Bissenbach, father of the murdered woman, testified briefly to-day. He identified as his daughter's the handwriting in a note found by her side when her body was discovered.

After adjournment of court, counsel for the defense said that Miss Varney would take the stand in her own behalf. On cross-examination by the state would probably finish his case to-morrow.

# Spooning in the Subway Gets Sanction of President Shonts

## Interborough Head Refuses to Issue Order Against Young Lovemakers and Advises People Who Do Not Like It to Turn Their Heads

Down in the subway, oh, what a place! Under the jale of Manhattan, speeding along through space. It's just the place for spooning all the whole year round. Down in the subway, underneath the ground.—Ancient Ballad.

Yesterday Mr. Shonts confirmed it. To the irate straphanger who has wondered profanely twice daily—and sometimes especially blasphemously on Sunday—just why the subway was ever invented, its inventor has delivered an answer.

The tube of trouble, through which weary New Yorkers pass twice daily for their sins, was not designed to make citizens appreciate the value of fresh air, once they return to it, nor to determine the final degree of compressibility that the human form can stand. The subway is really a spooning parlor for the adolescent and shameless of the species. Mr. Shonts says so.

Shocked Person Writes

A few days ago some one whose chaotic sensibilities had been shocked by the sight of Able Hinswanger in the most violent throes of courtship with Sadie Spiegelberg amid the sweet seclusion of a Lenox Avenue express wrote to public-serving Mr. Shonts, requesting him to write one of his famous "we strive to please" signs about "silly and avoidable musing and love making in the cars of your company."

Readers of Mr. Shonts's works will wait in vain for one on this topic, and will have to content themselves with the thrilling "How to Fold Your Newspaper," or that best seller of a month or so ago, "Don't Cross Your Legs in the Subway."

The final word of the president of the Interborough on "musing and spooning" was contained in a letter made public yesterday and written to the "Who is there among us," demands Mr. Shonts, "who cares or dares to hold these young lovers up to ridicule by the posting of placards such as you suggest?"

Mr. Shonts's Wisdom

Receiving no answer to his question, the president of the Interborough Spooning Parlors continues: "After all, is not spooning innocent love making nothing more than the fulfilling of life's laws? Is it not so that things appear ridiculous to us only when they differ from our own ideas and temperaments? And in this instance, who may assume to say concerning this greatest of all Nature's mysteries which is right—the observer or the observed?"

"No," says Mr. Shonts, firmly yet kindly, "don't believe we can comply with your suggestion to post placards in the cars holding these junior patrons up to ridicule."

"Why would it not be more charitable for those of us who entertain different ideas of decorum to turn our backs and ignore such actions?"

All that now remains to be done is the installation of subway seats on which one may turn his back without permanent spinal injury. Maybe when the weather gets so cold that the Interborough committee has a 50 per cent. contract with Morton M. Palmer, a moving picture man of Stamford, whose expenses in producing film propaganda were to be guaranteed. Collections were made all last summer, but Mr. Kilroe is unable to estimate how much money was taken in. He believes it was about \$400 a day.

Morris Rothstein, of 1535 Sterling Place, Brooklyn, told Mr. Kilroe that he was hired to drive the ambulance through this city. He said he collected \$50 and turned it over to two men who worked for the ambulance at headquarters. At a Madison Square event recently, he declared, \$450 was collected. Rothstein said he reported these collections at the head office and was immediately discharged. Afterward, he told Mr. Kilroe, two men told him that if he didn't sign a paper repudiating what he had reported at headquarters he would be arrested. Rothstein was formerly connected with the 89th Regiment's recruiting campaign.

Thaw's Cousin Sued

Harry Thaw Kendall Named as Corepondent in Divorce

Harry Thaw Kendall, cousin of Harry Kendall Thaw, is named as the correspondent in the divorce suit of Albert W. Freeth against Mrs. Madeleine Freeth, which came to trial before Justice Tierney and a jury in the Supreme Court yesterday.

Freeth, who is a dog fancier and breeder of Pomeranians, complained that besides his wife's fondness for Kendall she moved at least fifteen times in the first four years of their married life. Mrs. Freeth denies the allegations of her husband. Miss Lena Schilling, also a dog fancier, will be one of the husband's principal witnesses to-day, when the trial is continued.

# Woman Is Among Bazaar Swindlers, Swann Is Warned

## Prosecutor Says She Keeps All She Collects; Delahunty Pleads Guilty

Complaints have been made to District Attorney Swann against a woman who has been soliciting contributions for the Good Samaritan Circle for the Fatherless Children of France. If stories are true the collector is a "100 per cent woman," for she keeps what she gets. The prosecutor says she been "working" middle class givers in this city and the Middle West for a long time and getting contributions ranging from \$1 to \$25.

Michael J. Delahunty, one of the "100 per cent boys" who obtained a \$1,000 check from W. M. J. Donovan, of 80 Broadway, in the name of Colonel L. D. Conley, of the 89th Regiment, pleaded guilty to grand larceny before Judge Crain in General Sessions yesterday. A man who operated with him in this and other transactions was indicted yesterday for grand larceny and forgery.

Assistant District Attorney Kilroe has begun an investigation of the American Ambulance in Russia, which was barred from the Hero Land Bazaar on account of a discrepancy between the report given to the bazaar and that of the ambulance auditors, Marwick, Mitchell, Post & Co. Formal complaint was made to the prosecutor by Hamilton Fish, Jr., in behalf of his son.

# Surgeons Favor Clean Medical Advertising

## Annual Meeting of Society Upholds Stand of The Tribune

### (Staff Correspondence)

WASHINGTON, Dec. 10.—The annual meeting of the Board of Governors of the Society of American Surgeons was held this afternoon at the New Willard Hotel. Dr. William H. Mayo, of Rochester, Minn., was elected president of the board for the ensuing year.

A resolution was adopted putting the society solidly in line with the policy long ago put into effect by The New York Tribune. The resolution provided, in substance, that the society should urge, with all possible force, upon all medical journals not doing so already, to refuse to accept advertisements of patent medicines or medicines whose names are copyrighted, unless the formula is presented with the advertisement and approved by competent authorities before accepted by the publication to which it is brought.

German Helmet To Be Sold at Hero Land

A German helmet, a Canadian trophy of Vimy Ridge, will be put up at auction to-morrow at Hero Land, its price to be devoted to relief work in Halifax. Geoffrey Butler, of the British War Relic Committee, presented the helmet to the Aide Civil Belge.

The voice of Field Marshal French spoke yesterday from a photograph in the lecture room of the British War Relic Committee.

"During the first sixteen months of the war," was Marshal French's message, "I had the honor to command the British forces on the Western front. During these months we had to face an enemy superior in numbers and far superior in every munitionment of war. But despite this disparity the enemy failed in his purpose. He failed to break the Allied line. And the time rapidly drawing near when the Allies will shatter his military strength."

"As an old student of every detail of the American Civil War, I have the warmest regard for the military capacity of the American people. And drawing on my knowledge of this makes me certain that no truer ally would make the enemy of civilization, liberty and peace."

### Special Table D'Hotel Dinner \$1.50

with the **JIM-JAM REVUE** with MARIAN WEEKS.

Carpenter's Entertaining, Staged by Edw. P. Gower, with Music by Louis Silvers

TWICE NIGHTLY, IN MAIN RESTAURANT, at 7:30 and 11

Atop of Reisenweber's **JOAN SAWYER**, Nightly Beginning at 9, Miss Alice King, Hostess.

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### Alien Inheritance Tax Is Upheld in Iowa And South Dakota

WASHINGTON, Dec. 10.—The Iowa collateral inheritance tax law levying a tax of 6 per cent on legacies to citizens of that state, but on legacies to citizens of other states, was today upheld as valid by the Supreme Court.

The court also sustained the North Dakota inheritance tax law levying a tax of 25 per cent on property owned by aliens living in foreign countries, but a 10 per cent on property owned by citizens of that state.

### Soldiers' Mail Slow

Senator Weeks Wants to Facilitate Service to France

(Staff Correspondence)

WASHINGTON, Dec. 10.—In a letter to Postmaster General Burleson to-day Senator Weeks urged that steps be taken to facilitate the movement of mail to the American expeditionary forces in France. This can be accomplished, he believes, only through a closer cooperation between the postal officials and the War Department.

While making it plain that he was not writing the Postmaster General in a complaining way, Senator Weeks, nevertheless, points out several concrete instances of failure of American mail to reach soldiers in France for several weeks. Among these, the Bay State Senator wrote, he has been informed that his son, Sinclair Weeks, who is in France, did not receive any mail from home for two weeks, and then received twenty-five letters at one time.

### Dentist Missing in Storm

Friends of Dr. William L. Groll, a dentist of 209 East Fifty-ninth Street, fear that he was a victim of the storm which swept over the city on Saturday. He left his home early in the morning for a day's hunting in the vicinity of Babylon, Long Island. The last seen of him was at 4 o'clock in the afternoon, when he left Woodmere, Long Island, in a small boat. Nothing has been seen of him or the boat since.

### Denounces Proposal To Stop Gold Mining

The suggestion made by J. Parker Channing that it might be expedient to stop mining gold for the duration of the war, so that these miners could be used producing other metals, has aroused the ire of William C. Ralston, former Assistant Treasurer of the United States and now representing the California Miners' Association. Mr. Ralston yesterday said:

"Had England not been possessed of large gold reserves, and were she not to-day producing \$280,000,000 in gold annually, the position of the Allies in the war would be entirely different."

"When asked whether the government desired the continued production of silver," he said, "the Director of the Mint replied, 'Yes,' and added that it wanted silver increased for the reason that no gold would be exported hereafter under any condition."

### Big Pier Lease Renewed

N. E. Steamship Company Retains East River Wharf

The New England Steamship Company, Howard Elliott, president, which operates the big line of boats to Fall River and Boston, retained an extension of its lease to Pier 28, East River, and to the bulkhead between Piers 27 and 28 from the city yesterday. For this extension, which is for the year 1918, it will pay \$45,200 a year, or \$462,000 in all.

It also obtained from the city an extension of its lease to the southerly half of the bulkhead between Piers 28 and 29, East River. This extension is also for ten years, at \$2,695 a year. Pier 28 is between Catharine and Market streets.

### Hoarded Dollar Is Slacker, Says Vanderlip

CINCINNATI, Dec. 10.—A hoarded dollar is a slacker, and a dollar spent for an unnecessary thing is "an ally of the enemy," Frank A. Vanderlip, national director of the War Savings campaign, said here to-night in one of the first addresses of a two weeks' speaking tour of the Middle West and South. He urged purchase of war savings stamps and certificates for the double purpose of directly assisting the government to finance the war and economizing on materials and energy devoted to producing non-essentials.

"To hoard a dollar is to make it an idle dollar, an unemployed dollar," said Mr. Vanderlip. "A dollar that is not put to work is almost as truly a waste upon society as an idle man, and in the time of this crisis, when the world urgently needs every dollar, a hoarded dollar is a slacker."

"America's soldiers need a vast amount of equipment. It is impossible to produce all the equipment a great army will want in the shortest possible time unless the government is amply supplied with labor."

"When you hire a man to produce for you an unnecessary article you are competing with the government for that man's labor."

### Democracy's defenders have realized that unless TEMPERANCE should guard their camps CIVILIZATION MUST PERISH. And the TEMPERANCE that has been born of the True Temperance drinks stands SENTINEL OF OUR SAFETY.

The United States Brewers' Association.